

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION**

MELINDA SCOTT,
Plaintiff,

v.

VIRGINIA DEPARTMENT
OF MEDICAL ASSISTANCE
SERVICES,
Defendant.

Case No. 2:18-cv-00012-JPJ-PMS

SCHEDULING ORDER

**By: Pamela Meade Sargent
United States Magistrate Judge**

The court proposes the following as a Scheduling Order pursuant to Fed. R. Civ. P. 16(b). If no party requests changes within 10 days from its date of entry, it will constitute the Scheduling Order in this case.

It is **ORDERED** as follows:

Trial

1. **This case is set for bench trial in Big Stone Gap beginning at 9 a.m., on July 30-31, 2019, before the Hon. James P. Jones, U.S. District Judge.**

2. If the case is settled, the court will dismiss the case from the docket, and, if no agreed final order or judgment is thereafter submitted within 60 days, or if no party files a motion to reopen within such time, the case shall, without further order, stand dismissed with prejudice.

Motions

3. A supporting brief must accompany all motions, unless the motion itself contains the legal argument necessary to support it. If a motion has been filed prior to this Order and legal argument did not support it, the movant must file a supporting brief within 14 days of the date of this Order. If the motion is

opposed, a brief in opposition must be filed within 14 days of the service of the movant's brief (or within 14 days of this Order if a motion and supporting brief have been served prior to this Order). Except for good cause shown, if a brief opposing a motion is not timely filed, it will be considered that the motion is unopposed. If the moving party desires to submit a reply brief, it must be filed within 7 days of the date of service of the brief opposing the motion.

4. If any party desires a hearing on a motion, the hearing may be requested with the court prior to, or at the time of, the filing of the motion or response. Otherwise, it will be considered that the motion is submitted for decision without hearing.

5. Motions for summary judgment must be filed no later than 75 days before trial. Any response to the motion, including the brief in opposition, must be filed prior to the day of the hearing, or, in any event, no later than 14 days after service of the motion.

6. If a motion is unopposed and the moving party certifies such fact in the motion, no brief need be filed, nor response made to the motion. Procedural motions, including motions for enlargement of time, whether or not opposed, may be acted upon at any time by the court, without awaiting a response, and any party adversely affected by such action may request reconsideration, vacation or modification of such action.

7. Any motion by the parties to join other parties or to amend the pleadings must be filed by no later than 90 days before trial.

8. The parties must promptly provide to the court, after filing, a courtesy copy of any brief or motion and exhibits thereto that in total exceed 50 pages in length. Except for good cause shown, no brief or motion may exceed 30 pages, double-spaced, in 14-point type or larger.

Discovery

9. All discovery must be completed by no later than 90 days before trial. This schedule requires that written discovery be served in sufficient time to allow the responding party time to respond before the cutoff date for discovery.

10. Discovery in this case is stayed until November 1, 2018. The parties may serve written discovery beginning November 1, 2018. Any written discovery requests served prior to November 1, 2018, will be treated as if served on November 1, 2018, for purposes of calculating the deadline to respond.

11. Initial disclosures pursuant to Federal Rules of Civil Procedure Rule 26(a)(1) will be provided by the parties by no later than November 1, 2018, unless the parties agree otherwise.

12. Discovery and disclosure material is not to be filed unless and until actually used in the proceeding, except as to the disclosures under Rule 26(a)(3) of trial witnesses and exhibits, which must be filed.

Witnesses

13. The plaintiff shall disclose expert witness testimony as set forth in Federal Rules of Civil Procedure Rule 26(a)(2) by no later than 150 days before trial. The defendant shall disclose expert witness testimony as set forth in Federal Rules of Civil Procedure Rule 26(a)(2) by no later than 120 days before trial.

14. Any motion to exclude the testimony of an expert based on the sufficiency or reliability of the expert's testimony must be filed no later than the deadline for filing motions for summary judgment.

15. The parties must make the pretrial disclosures of witnesses and exhibits as required by Rule 26(a)(3) by no later than 14 days before trial and must make objections to deposition testimony and exhibits by no later than 7 days before trial.

Summary of Deadlines

16.	Trial Date	July 30-31, 2019
	Object to Deposition Testimony and Exhibits	7 days before trial
	Disclose Witnesses and Exhibits	14 days before trial
	File Summary Judgment Motions and Motions to Exclude Experts	75 days before trial
	Complete Discovery	90 days before trial
	Deadline to File Motions to Amend Pleadings or Add a Party	90 days before trial
	Plaintiff's Expert Disclosures	150 days before trial
	Defendant's Expert Disclosures	120 days before trial

ENTERED: October 2, 2018.

/s/ Pamela Meade Sargent
UNITED STATES MAGISTRATE JUDGE